

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CECILE A. BROWN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. C20-5640-RSM

ORDER OF DISMISSAL

The instant matter comes before the Court *sua sponte* and on the Court's prior Order to Show Cause. Dkt. #7. *Pro se* Plaintiff, Cecile Brown, has been granted leave to proceed *in forma pauperis* in this matter. Dkt. #2. Summonses have not yet been issued.

Plaintiff brings this action against the Board of Veterans' Appeals for tort violations related to Plaintiff not receiving "her finality of appeal which was closed then reopen[ed] due to . . . Administrative Error." Dkt. #3 at 4. Under the Statement of Claim section, she states, "Give an Attorney 20% of Retroactive Pay when he was revoked evidence in RBA." She also claims that her rights were "grossly violated by government agents" and "deprived of a redress of grievances by sovereign immunity." *Id.* She cites both federal question and diversity of

1 citizenship as the basis of jurisdiction. *Id.* at 3. Regarding damages, Plaintiff requests \$500
2 million in emotional distress damages and \$500 billion for defamation. *Id.* at 5.

3 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises
4 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from
5 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).
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7 On July 13, 2020, the Court issued an Order to Show Cause highlighting deficiencies in
8 Plaintiff's complaint and ordering Plaintiff to submit a Response within twenty-one days
9 indicating why this case should not be dismissed. Dkt. #7. The order specifically cited Plaintiff's
10 request for at least \$500 billion in damages, the complaint's lack of factual detail, Plaintiff's
11 failure to cite law or specific causes of action, and Plaintiff's failure to connect the alleged actions
12 by Defendant to the injuries she has suffered. *See id.* at 2. The Court further noted that Plaintiff
13 has provided no basis for why venue is proper in the Western District of Washington, given that
14 Plaintiff resides in Louisiana and Defendant is an administrative tribunal within a government
15 agency located in Washington, D.C.
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17 The Court ordered Plaintiff to respond with "a short and plain statement telling the Court:
18 (1) the laws or statutes upon which her claims are based; (2) exactly what facts support each of
19 the alleged violations of law; (3) what specific injury Plaintiff suffered because of each alleged
20 violation of law; and (4) why venue is proper in the U.S. District Court for the Western District
21 of Washington." *Id.* at 2. The Court warned that Plaintiff's Complaint suffers from deficiencies
22 that, if not adequately addressed, would require dismissal. *Id.* (citing 28 U.S.C. § 1915(e)(2)(B)).
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24 The Court has received Plaintiff's response. Dkt. #8. Plaintiff's response explains that
25 she brings this action under the Federal Tort Claims Act, claiming that "the United States clos[ed]
26 appeal without considering all legal arguments in its entirety of a legal proceeding by a Veteran
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1 Law Judge.” *Id.* at 3. She claims that because certain arguments were not considered on appeal
2 and the Board of Veterans’ Appeals closed her case, it engaged in a “failure to act where there is
3 a legal responsibility to act.” *Id.* She also explains that her appeal was closed and reopened due
4 to an administrative error, thereby causing a longer wait time. *Id.* She also claims that her
5 personal information is being shared despite asking the Board of Veterans’ Appeals to stop
6 sharing her information. *Id.*

8 Plaintiff’s response fails to clearly connect Defendant’s alleged actions to the injuries she
9 claims she incurred, including but not limited to damage to her character and reputation,
10 emotional distress, severe trauma, pain and suffering, and inability to purchase a home or travel.
11 *See id.* at 6. She also provides no explanation for how her alleged damages amount to over \$500
12 billion.

14 Moreover, Plaintiff fails to explain why venue is proper in the Western District of
15 Washington. Plaintiff cites to the Federal Tort Claims Act, which provides that a claimant may
16 seek judicial relief “in a proper Federal District Court.” *Id.* at 6. However, she provides no
17 explanation as to why venue is proper in this federal district court. Indeed, nothing in Plaintiff’s
18 complaint or response indicate that she or the Defendant reside in this district or that any portion
19 of the events giving rise to the lawsuit occurred in this district.

21 Finally, the Court is in receipt of Plaintiff’s filing titled “Brief” which attaches 77 pages
22 of documents related to her appeal before the Board of Veterans’ Appeals. *See* Dkts. #5, #5-1.
23 As an initial matter, Plaintiff failed to seek leave of the court to file an over-length motion or
24 brief. *See* LCR(f). Nevertheless, in the interest of affording a *pro se* plaintiff the benefit of any
25 doubt, the Court has reviewed her supplemental filings. Plaintiff’s filings largely repeat the
26 claims raised in her complaint and response to the order to show cause. They do not address why
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1 venue is appropriate in the Western District of Washington, do not substantiate Plaintiff's request
2 for more than \$500 billion in damages, and do not clearly link Defendant's alleged actions to
3 Plaintiff's claimed injuries.

4 The Court has reviewed the Complaint, Plaintiff's Response, and the remainder of the
5 record and finds that Plaintiff has failed to adequately respond to the Court's Order to Show
6 Cause. Plaintiff's request for damages ranging from \$500 million to \$500 billion is also frivolous.
7 Given all of this, dismissal without prejudice is warranted. *See* 28 U.S.C. § 1915(e)(2)(B).
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9 Accordingly, the Court hereby finds and ORDERS:

- 10 1) Plaintiff's claims are DISMISSED.
11 2) This matter is CLOSED.
12 3) The Clerk shall terminate all pending motions in this matter.
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15 DATED this 17th day of July, 2020.
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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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